

United States Senate
COMMITTEE ON SMALL BUSINESS & ENTREPRENEURSHIP
WASHINGTON, DC 20510-6350

July 19, 2012

The Honorable Harry Reid
United States Senate
522 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitch McConnell
United States Senate
361A Russell Senate Office Building
Washington, D.C. 20510

Dear Leaders Reid and McConnell,

I write today to express my grave concerns with the Senate's dysfunction, occurring at one of the most consequential moments in our nation's history.

In my view, we all have a responsibility to work to return the Senate to its historic role as the world's greatest deliberative body and an institution premised on majority rule but also grounded in a commitment to minority rights. As you well understand, procedures and precedents are integral to the functioning of the United States Senate and, ultimately, process dictates policy. Yet, regrettably, the current, dramatic departure from the normal processes of the past -- which has been the subject of recent discussions between you on the Senate floor -- is handcuffing the Senate's ability to respond to the most profound issues that will dictate the future course of our nation.

Today, America is at a tipping point as we confront a so-called "fiscal cliff" at the end of this year, and struggle to regain economic growth at a level sufficient to return to pre-recession unemployment levels. The eyes of the nation and, indeed, the world are upon us, looking to how we address these monumental challenges -- and it matters how we comport ourselves procedurally, rhetorically, and politically.

Indeed, if we are to regain the confidence of the American people in the direction of our government and our country, it will require the highest levels of leadership re-establishing processes and regular order which will once again allow Americans to look to the Senate as a bastion of thoughtful, reasonable deliberation with the ability to solve the major issues of our era. Therefore, we must rise to the occasion and I am writing to encourage you to begin a collaborative process of developing a strategy to address procedures currently being employed that are undermining the ability of the Senate to produce results -- before the current perversions of the standing rules of the Senate permanently become the "new norm."

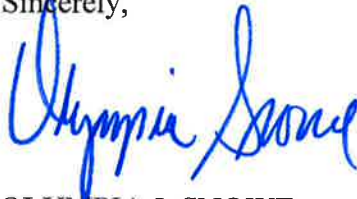
On the one hand, frustrations have been raised with regard to the threat of filibusters on proceeding to legislation. At the same time, concerns have been voiced about the degradation of the committee process, whereby measures are increasingly brought to the Senate floor having never been debated, crafted, and voted on in committee – and that insufficient time is provided to review the contents of a measure, including substitutes, prior to efforts being made to move to it on the floor.

Another critical issue is the increased use of procedural methods to “fill the amendment tree.” This process of denying the minority the ability to amend legislation is alarming, as it effectively denies representation to those Americans whose duly elected Senator is a member of the minority party – as that Senator is entirely unable to debate or have a vote on his or her alternative policy proposals. The result of these departures from the procedural norms and practices of the Senate is a legislative deadlock in Congress, precluding our ability to grapple with the profound issues that will dictate the quality of America’s future.

That is why I sent my letter of April 26, 2012, enclosed, urging that the committees of jurisdiction begin working on the lame duck issues now, so that they can have a thorough, transparent, and accountable process in accordance with the traditions of the Senate. It is imperative that we face the fiscal cliff in a systematic manner, so instead of waiting until after the election when discussions will be compressed into just a few short weeks, we will have already vetted the proposed alternative solutions. Because only by knowing the consequences of various decisions can we have a foundation for arriving at solutions after the elections. What is required is the opportunity to thoughtfully scrutinize the approaches – the pros and cons and benefits and drawbacks – so that we can have a reasoned discussion during lame duck, rather than ending up with policies drafted behind closed doors by a select few that could also result in unintended consequences.

We have an obligation to the American people to demonstrate that we have the capacity to solve these problems at this transcendent time. To do less would be a grave disservice to those who have entrusted us with the public good. We owe it to this institution and, more critically, to our nation.

Sincerely,



OLYMPIA J. SNOWE
United States Senator

Enclosure